

Administrative District Judge Richard Bevan

I appreciate the opportunity to be back before this body to address a topic that I would hope is of interest to all of you – that is a brief update on problem solving courts and Crisis Centers in Idaho

First, as to the new Crisis Center in Twin Falls, let me express our thanks, on behalf of the 5th Judicial District, for your insight and willingness to address an important need through the crisis centers that are now open and operating in Coeur d’Alene, Idaho Falls and now Twin Falls, as of November 21, 2016. The Twin Falls Center is already making an impact by providing law enforcement and mental health professionals an option, short of hospitalization or jail stays, for those in crisis.

The Twin Falls Center, though in operation for not quite 90 days, is servicing an average of a little over one person per day; the high has been 8. The center has also served citizens from throughout the Magic Valley, although its residents have primarily come from the Twin Falls area. Those who work in the center are making a difference in locating resources for displaced individuals, and for those in crisis, whether those are simply people without a warm and secure location for the night, or those who may need more long-term medical intervention. The cost-savings to our local communities, though not measurable in Twin Falls this early-on, will no doubt be realized by, again, saving these individuals from spending time in more expensive or restrictive environments like hospitals and jail cells.

Moving to the problem-solving court aspect of my remarks, let me address briefly the ongoing success of problem-solving courts throughout Idaho. Problem Solving Courts divert non-violent, substance abusing offenders from prison and jail into treatment. By increasing direct supervision of offenders, coordinating public resources, and expediting case processing. Problem Solving Courts can help break the cycle of criminal behavior, alcohol and drug use, and incarceration.

The Idaho Legislature has established over 15 years ago that “It is in the best interests of the citizens of this State to expand the use of drug courts and mental health courts in Idaho.” I.C. Subsection 19-5602(5). The State has continued to expand drug and mental health courts into additional arenas including veterans’ treatment, domestic violence, DUI and family reunification, problem-solving courts. Idaho has long been the vanguard when it comes to the use and implementation of these courts. Idaho has 67 problem-solving courts in our seven judicial districts, with more on the horizon. We can be uniformly proud of the triumphs and benchmarks established by these courts locally, state-wide and nationally.

More than a decade of research now supports your findings from 2001: Problem-Solving Courts reduce crime by lowering re-arrest and conviction rates, improving substance abuse treatment outcomes, and reuniting families, while also producing the measurable “win-win” of cost benefits.

As we look to the success and cost-savings in these courts, their continued financial sustainability is threatened. A key component to funding these courts lies in the fees paid by court participants. To be frank, speaking of my experience in the 5th Judicial District, particularly in Twin Falls, these fees have been collected by the courts independently of other fees paid by probationers over the years. As a result, the court fees went directly to court operations without any flow-through to other agencies or obligations.

Idaho's statutory scheme for the collection of monies through the courts requires something different. Section 19-5302 prioritizes victim's restitution above all other payments to any governmental entity, except payments to IDOC for probationers' fees, and payments to jails for work-release fees.

The reality of that exception means that individuals with significant victim restitution will either 1) not be accepted into problem-solving courts based on their inability to pay for their participation (which likely violates the constitution); or 2) they will attend essentially for "free."

Recognizing this dilemma, let me share the story of Dawn Nutting. Dawn was a 3-time felon in the 5th District. She was convicted in Blaine County for Forgery, Grand Theft and No-account checks in 1998 and 2003. By 2006 Dawn's criminal activities brought her to Twin Falls where she pled guilty to an additional grand theft and was sentenced to MHC in 2007. Based on her conduct she owed over \$27,000 in restitution for her crimes.

Dawn did an extraordinary job in MHC; she paid her fees both for the court and some restitution as she went along. She worked on the kill floor at Falls Brand meats in Twin Falls, and she took other jobs to make her way through the court. She ultimately graduated (completed the MHC) while still owing a substantial sum in restitution. Because of the good work she did in the court, she was able to get a better job, and by working extremely hard, she paid off all of the restitution within about 4 years.

The reason I bring up this success story is two-fold: first, to explain the problem with the current iteration of I.C. subsection 19-5302 as it pertains to problem solving court funding. Under this scheme, people like Dawn, who qualify for the benefits of MHC or drug court would either attend for free, or not be allowed to participate. That result is not what the Legislature intended in providing that drug, mental health and other PSC's should expand, but that they should also charge some amount to give the individuals participating some "skin in the game" for the privilege of attending.

Without a statutory change, however, it is unlikely that Dawn Nutting would ever qualify to attend MHC. Second, this result shows how, if we get people into problem-solving courts, and we help them succeed, that victims can be made whole, even though it takes some time for any participant to payoff \$27,000+. Victims benefit from problem solving courts in the State of Idaho, but that benefit is limited by the scope and reach of Section 19-5302.

As an aside, Dawn obtained more education and became a case manager/recovery coach at Twin Falls' Salvation Army, and to come full-circle with my opening remarks, she is now

employed by the **Twin Falls Crisis Center** in that capacity. I couldn't be more proud of what she has accomplished.

I know the court attempted to address the issue of payment by participants in problem solving courts last year through HB 434. It went nowhere because victims were of a mind that allowing payment for problem solving courts outside the requirements of Section 19-5302 would relegate them further down the line in receiving their restitution. This is a complex issue, but it is one that is worth revisiting, given the frequency with which we have individuals with restitution orders, particularly in MH Courts.

But MH Courts are not the only ones suffering a shortfall in funding due to this requirement. The numbers bear this out, in that Twin Falls total collection of fees for drug court in 2014-2015 was \$33,761.50. The next year, after Odyssey's implementation, the fees collected in Twin Falls dropped to \$9,101.65, or a decrease of nearly 75%. For MHC, the total collection dropped from \$8,960 to \$3,600 for a 60% decrease. The loss of these funds is significant; if these courts are to be supported, then the fees for participation, like fees paid for probation supervision, must be preserved as a monthly cost to each participant.

I appreciate the opportunity to address this important issue, in light of our current posture and progress. I am happy to address any questions you may have.